

TOWN OF NEWSTEAD - ZONING BOARD MINUTES
Newstead Town Hall, 5 Clarence Ctr. Rd, Akron, NY
July 27, 2017

MEMBERS

PRESENT: Bill Kaufman, Chairman (WK)
Adam Burg (AB)
Alternate: Max Brady, Alternate (MB)
Vicki Lombard, Alternate (VL)
Other: Michael Borth, Code Enforcement Officer
Julie Brady, Recording Secretary

UN-APPROVED 7/27/2017
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Meeting was called to order at 6:33pm, followed by the pledge to the flag.

Bill K. reviewed the procedures. Julie B. read the legal notice for the variance request as follows:
Requesting a twenty foot (20') side setback variance on west side of the property located at 13890 Main Road, Akron, owned by Preferred Plastics & Engraving (David Samolis). This property is located in the C-2 and Rte 5 Overlay zones which requires a 50' side setback per the Town Code Section 450-26 F. 2.

Public hearing was open for comments at 6:35pm.

David Samolis, 7685 Cedar St., Akron, owner of property, requesting a 20' side setback variance to build a commercial building to house his business that manufactures plastics. The building will be 96 x 48 and the lot is 200' wide. The issue is a well pump on the east portion in the front that gets in the way. Monroe County Water Authority sent a letter stating that they had no issue with putting the driveway right next to the pump, just don't pave over the pump. Therefore the driveway will curve a bit to avoid it. The reason the driveway is not going to be on the west side is due to the weather. The wind and snow would blow directly in the roll up door and would suck the heat out of the building. Due to applying for this variance, this has been a set back and would appreciate any help from the board to get his project moving along as time is of the essence. Thank you.

Patricia Fiorello, 13880 Main Rd., westerly neighbor, stated they have no problem with this proposal and are happy to have him build there.

Bill K. asked three times if there were any other comments.
Public hearing closed at 6:42pm
Zoning Board discussed the request and facts while looking at photos and maps.

Mike B. stated that the house to the west is located 70' from the lot line, the house to the east is 10' to the house to east. There's an outbuilding 40' from the lot line.

Adam B. stated that he is not encroaching on neighboring parcels
Bill K. received a call from an individual supporting this, spoke of Town considering changing the law pertaining to 100' lots to 30' of side setback. The zoning board has also set precedence when granting the variance for Quad Pharma. The board encourages growth of businesses in the C2 district.

The Review sheet was completed as follows:

- Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than the area variance.
AB (N) MB (N) WK (N) VL (N) Overall – (NO-PASS)
REASON: Other options were considered but this is the best remedy due to the well pump location.
- Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
AB (N) MB (N) WK (N) VL (N) Overall – (NO-PASS)
REASON: Although there are residential homes surrounding this property, it is zoned C2 (commercial) in the Rte 5 overlay so this use is exactly the type of development that coincides with the Town's master plan.
- Whether the requested area variance is substantial. (20')
AB (N) MB (N) WK (N) VL (N) Overall – (NO-PASS)

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REASON: No relative to the adjacent parcels, the placement of the building looks aesthetically correct for the surroundings.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

AB (N) MB (N) WK (N) VL (N) Overall – (NO-PASS)

REASON: Existing commercial zone/route 5 overlay, fits in with the Towns long-term master plan, there appears to be no wetlands/floodplain/drainage issues, closest house is 70' away.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude granting of the area variance.

AB (N) MB (N) WK (N) VL (N) Overall – (NO-PASS)

REASON: The well was there when Samolis purchased the property so he is dealing with an existing situation. No construction has begun. Samolis is going through proper channels and is considerate of the neighbors as well.

A motion was made by Adam B. to approve the variance. Seconded by Max B.. All Ayes, No Nays.

Variance request was approved unanimously.

Motion was made to accept the minutes of the March 30, 2017 meeting by Adam B., seconded by Vickie L. All Ayes, No nays.

A motion was made to close the meeting at 7:04pm by Bill K. seconded by Max B. All Ayes. No Nays

Meeting adjourned.

Respectfully submitted,
Julie Brady, Recording Clerk